

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3218 OF 2006

Shri Sarjerao Khasaba Patil ...Petitioner
V/s.
Ramchandra Ananda Patil & Ors. ...Respondents

WITH

WRIT PETITION NO. 3219 OF 2006

Shri Sarjerao Khasaba Patil ...Petitioner
V/s.
Ramchandra Ananda Patil ...Respondent

Shri Manoj Kadam i/b. Shri Pratap Patil for the
Petitioner.

CORAM : V.M. KANADE, J.

DATED : MARCH 8, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner.
2. The petitioner is challenging the order passed by the Civil Judge, Junior Division, Islampur, which order confirmed by the Additional District Judge, Islampur and his application for injunction which was rejected by the trial court, was confirmed by the Additional District Judge, Islampur.

3. It is the case of the petitioner is that he is in exclusive possession of the suit property and that respondent no.3 had also agreed to sell 1/3rd share in the suit well to the plaintiff. It is submitted that respondent no.3 also had agreed to execute lease deed for a period of 99 years in respect of user of the land. The learned Counsel for the petitioner submits that both the court below have ignored the fact that respondent no.3 has not established that she was in exclusive possession of the suit property. It is further submitted that in fact, respondent no.3 had conceded that the plaintiff was in possession of the suit property and he was permitted to harvest the standing sugarcane crop. Both the courts below have not accepted the submission made by the plaintiff and has observed that there is no evidence to show that he is in possession. Both the courts below have further observed that admittedly, respondent no.3 is the owner of the suit land, that the said land was given to her as her share in the property.

4. In my view, there is no reason to interfere with

the order passed by both the courts below. The trial court, however, is directed to decide the suit, as expeditiously as possible and in any case within a period of one year.

. Writ petition is dismissed in the above terms.

(V.M. Kanade, J.)